

Town of Leeds

Town Council Meeting July 9, 2014

1. Call to order:

Mayor Peterson called to order the regular meeting of the Leeds Town Council at 6:09pm on July 9, 2014 at Leeds Town Hall, 218 N Main.

A motion to close the public meeting and move into a "Closed" meeting to discuss litigation; as allowed by Utah state Law 52-4-205(1)(c) was made by Councilmember Rohr, with a 2nd by Councilmember Allen. All voted "Aye". Motion passed.

The closed meeting began at 6:09pm and went until 6:51pm. The public meeting reconvened at 7:01pm.

2. Roll Call:

ROLL CALL:

	<u>Present</u>	<u>Absent</u>
MAYOR: WAYNE PETERSON	<u>x</u>	<u> </u>
COUNCILMEMBER: RON CUNDICK	<u>x</u>	<u> </u>
COUNCILMEMBER: ANGELA ROHR	<u>x</u>	<u> </u>
COUNCILMEMBER: JOE ALLEN	<u>x</u>	<u> </u>
COUNCILMEMBER: NATE BLAKE	<u> </u>	<u>x</u>

3. Pledge of Allegiance by Councilmember Rohr.

4. Declaration of Abstentions or Conflicts: None.

5. Approval of Agenda:

Councilmember Allen moved to approve tonight's agenda and meeting minutes of June 18, and June 25, 2014. 2nd by Councilmember Cundick. All voted "Aye". Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
MAYOR: WAYNE PETERSON	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: RON CUNDICK	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: ANGELA ROHR	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: JOE ALLEN	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: NATE BLAKE	<u> </u>	<u> </u>	<u> </u>	<u>x</u>

6. Citizen Comments:

Allen Howard indicated that Grapevine Wash had never come to him about the widening of road for access to their Development.

Annette Densley requested that a permanent business license not be giving to Quality RV. Over the past week, there have been several people looking at purchasing part of the buildings which would become a problem due to shared septic and utilities. Annette indicated the Town needs to

be very vigilant to insure the Ordinances, Health Codes, and everything else on the property be done properly, legally and safely.

Susan Savage thanked Councilmembers for the work done on the South entrance interchange.

Mayor Peterson responded that UDOT was in charge of the project and he will relay the message to them.

7. Announcements:

a. Wild West Days September 5 & 6, 2014

Mayor Peterson discussed the events that are scheduled for Wild West Days and encouraged citizens to spread the word and to participate.

b. Mayor Peterson thanked the Fire Department for the 4th of July event.

8. Public Hearings: None.

9. Action Items:

a. **Discussion and possible action regarding Supplemental CLG Grant Application**

Mayor Peterson discussed the grant application with Councilmembers. It is a matching grant for the Tithing Office and the Hadley's are providing the matching funds. The total grant is for \$20,000 to put toward work on the Tithing Office and the Town will provide the administration work.

Councilmember Rohr, are we looking at \$20,000 for the Tithing Office and another \$20,000 for the CCC Camp and Wells Fargo building.

Mayor Wayne responded yes, it is above and beyond the other grant.

Councilmember Cudick indicated, this grant is will be fully funded by the Hadley's; however, the other CLG grant for the CCC Camp and Wells Fargo Building will still need matching funds raised and discussed further.

Mayor Peterson asked for a motion to approve the \$20,000 Supplemental CLG Grant Application, \$10,000 from the grant fund and \$10,000 in matching contributions from the Hadley's.

Councilmember Cundick, I so move.

Councilmember Allen asked for clarification on the \$20,000, is it \$10,000 from the State and \$10,000 from the Hadley's.

Mayor Peterson responded, Correct.

2nd by Councilmember Allen.

Councilmember Rohr, Are we talking about 2 separate Grants that are rolling into one?

Mayor Peterson responded that we already approved the initial grant earlier in the year that was due in the first quarter. This is an additional supplemental grant that is due July 11, which is this Friday.

All voted "Aye". Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: RON CUNDICK	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: ANGELA ROHR	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: JOE ALLEN	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: NATE BLAKE	<u> </u>	<u> </u>	<u> </u>	<u> x </u>

b. Discussion and possible action regarding ongoing mediation with Grapevine Wash

Mayor Peterson indicated the Town went to Mediation on May 10, 2013 and that Mediation session led to an effort to come up with agreement that would be the result of the Mediation process. Mayor Peterson discussed further with Councilmembers. At this time, in order to have a motion on the floor that the Town Council could discuss, Mayor Peterson entertained a motion to terminate the efforts to continue a Mediated agreement with Grapevine Wash as a result of the May 10, 2013 Mediation session.

Councilman Cundick, I so move. 2nd by Councilmember Allen.

Councilmember Rohr indicated we are kind of at an impasse because of what was agreed on last May a year ago and what has subsequently been presented to us as final development agreements have not been put in alignment. So it does seem like we are at an impasse.

All voted "Aye". Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: RON CUNDICK	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: ANGELA ROHR	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: JOE ALLEN	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: NATE BLAKE	<u> </u>	<u> </u>	<u> </u>	<u> x </u>

c. Discussion and possible action on December 18, 2012, Grapevine Wash Final Development Plan

Mayor Peterson said prior to Mediation the Town did take action to approve the December 18, 2012, Grapevine Wash Final Development plan; however, the approval was missing from the Developers.

Mayor Peterson entertained a motion to rescind the December 18, 2012 agreement.

Councilmember Cundick, I so move. 2nd by Councilmember Allen. All voted "Aye". Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	<u>x</u>			
COUNCILMEMBER: RON CUNDICK	<u>x</u>			
COUNCILMEMBER: ANGELA ROHR	<u>x</u>			
COUNCILMEMBER: JOE ALLEN	<u>x</u>			
COUNCILMEMBER: NATE BLAKE				<u>x</u>

d. **Discussion and possible action on November 14, 2012 Grapevine Wash Final Development Plan**

Mayor Peterson indicated what this brings us back to is the previous event that Town Council took action on, which was the November 14, 2012, Development Plan. It was voted 4 to 1 against and failed.

Mayor Peterson asked for a motion to deny the November 14, 2012 Grapevine Wash Final Development Plan and to provide a list of deficiencies to be discussed and finalized here this evening.

Councilmember Rohr, I so move. 2nd by Councilmember Cundick.

Mayor Peterson discussed a list of deficiencies that he and Councilmember Cundick had prepared. It has not been shared with any other Councilmembers prior to this Town Council meeting. It was distributed through email last night as preparatory material for tonight's meeting. The list is as follows;

From Exhibit "J" of the Annexation Agreement:

1D. Any study as may be pertinent to the specific site, context and characteristics of the proposed development plan, as may be required under state or federal law, including, without limitation, biology studies, environmental studies, wetland analysis, Native American cultural resources assessment on the BLM land, and EPA assessments.

The only information submitted by the Developer states that such studies will be conducted, as needed. The purpose of this requirement is to ensure that appropriate studies will have already been made by the Developer prior to submitting the proposed Final Development Plan, thus ensuring that there are no existing impediments to the proposed plan. This needs to be done prior to a Final Development Plan being approved by the Town of Leeds.

3B. Designation of major roads and highways both within the Project and those that interface or adjoin the Project.

In the proposed Final Development Plan

Section 17.2. Project Accesses. The primary access to the Project is a county road identified as 900 North or Babylon Road... An improved secondary access (not Emergency Access) to the Project is required prior to the 101st equivalent residential unit (ERU) within the project. An improved third access (not Emergency Access) to the project is required prior to the 601st ERU. While the Town does not require the construction of the Emergency Access and the other three accesses prior to approving a Final Development Plan, the Town does require that the Developer obtain or acquire, at its expense, all easements, rights-of-way or other property rights or interests necessary for construction of such ingress and egress roads to the Project prior to approving a Final Development Plan.

4B. Master Utility Plan designating the general location of main lines for water, sewer, gas, electric and telecommunication services

The Plan submitted indicates sewer lines leading towards the Ash Creek Special Service District facility. It is the Town's understanding that utilizing this system is no longer an option. As such, the Town requires the Developer to specify an acceptable sewage treatment facility, both in terms of technology and location.

6A. Updated preliminary title report

At the point when a Final Development Plan is reached, an updated preliminary title report will be required.

Other Issues From Provisions of Proposed Final Development Plan

Culinary Water

3.3.2. ...Town agrees to provide water to the Project subject to and as set forth in the "Culinary Water Agreement" between the Town of Leeds and the Washington Water Conservancy District (WCWCD).

The Town requires additional language clearly stating that if water is not available from the WCWCD in sufficient quantity that the Town is not liable for obtaining water to provide to the Project.

Density

The Annexation Agreement, in Exhibit "G", states "Project Density: 3.8 Units Per Acre"

The proposed Final Development Plan has a project density greater than 3.8 units per acre.

Term

The proposed Final Development Plan has an initial term of thirty five years with the potential for a fifteen year extension

The Town considers such a term unacceptably long. Additionally, deadlines for plat approval and commencement of construction must be specified.

Traffic Mitigation Plan

The Town considers Level of Service "C" for Main Street unacceptable, as it currently is, and has been, "A". The traffic study does not contain sufficient detail of the traffic mitigation plan to be followed as unacceptable traffic volumes are reached.

Applicable Laws and Regulations

21. ... Except as otherwise set forth in this Agreement, all development and improvements of any type, on-site or off-site, relating to the Project shall comply with Town ordinances, regulations, requirements and procedures established by and for Town.

It is unacceptable to the Town for the Plan to contain language suggesting Town ordinances, regulations, requirements and procedures established by and for Town are not being followed in the Plan.

Governing Law

34. If there is any discrepancy between this Agreement and Town land use ordinances, This Agreement shall prevail.

The Town retains police powers, with some specific limitations. This provision is overly broad and must be deleted or changed.

Councilmember Rohr went back to major roads; there is no mention on the primary access to the width of the roads. That has been up for some discussion including the fact that the County has indicated that they require 88 feet of width.

Mayor Peterson replied the purpose of the deficiencies list was just to list the items that will need to be addressed, not try to resolve issues and start a negotiating process. It was not an oversight, it was an intentional decision to just list the deficiencies and not go into the process of starting to try to cure it by suggesting what would work.

Councilmember Rohr responded, so the same philosophy I assume refers to the "term", to just mention that is it unacceptably long.

Mayor Peterson responded that is correct.

Councilmember Blake arrived at 7:29pm.

Mayor Peterson indicated, at this point we have on the council table a motion and a second for item 8D. The actual motion is to deny the November 14, 2012 Grapevine Wash Final Development Plan and provide a list of deficiencies in that plan.

Karla Sterling, a possible deficiency that might be added is open space. As she recalls, in that agreement, it did not comply with Leeds Ordinance for open space.

Mayor Peterson responded that density is 3.8 that would require a certain amount of open space if you wanted a certain number of units. The density that was granted with the annexation was 3.8 and that's not what is in the current agreement. Mayor Peterson indicated there is not anything specific to the open space that you could point to and say that it qualifies as a deficiency.

Karla Sterling, it's just that there is a certain Leeds Ordinance that requires a minimum open space and I didn't see that designated on their plans in a sufficient amount to meet that. She doesn't have it in front of her and she just thought she would bring up that issue because she sees it a little bit different as two separate things.

Councilmember Rohr asked if the statement under "Applicable Laws and Regulations" would accommodate that.

Karla Sterling, asked if that includes open space.

Councilmember Cundick indicated as we look at this, you understand that there was a concern whether the agreement would prevail over existing Ordinances of the Town. That was unfortunately in the Annexation agreement and we don't have the authority to do that. We can't agree to a contract that will supersede the laws of this Town. So with that premise which we addressed here, we undertook it to say, alright not only can we not waive those laws or supersede with a contract, we can't allow things that are contrary to existing laws. So if existing laws govern open space or they govern whatever, they govern. That's the approach we are taking.

All voted "Aye". Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: RON CUNDICK	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: ANGELA ROHR	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: JOE ALLEN	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: NATE BLAKE	<u>x</u>	<u> </u>	<u> </u>	<u> </u>

10. Discussion Items: None

11. Citizen Comments: None

12. Staff Reports: None

13. Adjournment:

Councilmember Cundick adjourned the meeting.
Time: 7:37pm.

APPROVED ON THIS 23rd DAY OF July, 2014



Mayor Wayne Peterson

ATTEST:



Deputy Clerk/Recorder Kristi Barker

Town Council CLOSED Meeting Minutes

July 9, 2014

1. Call to order:

Mayor Peterson called to order the closed meeting of the Leeds Town Council at 6:09pm on July 9, 2014 at Leeds Town Hall, 218 North Main.

2. Roll Call:

ROLL CALL:

	<u>Present</u>	<u>Absent</u>
MAYOR: WAYNE PETERSON	<u>x</u>	<u> </u>
COUNCILMEMBER: RON CUNDICK	<u>x</u>	<u> </u>
COUNCILMEMBER: ANGELA ROHR	<u>x</u>	<u> </u>
COUNCILMEMBER: JOE ALLEN	<u>x</u>	<u> </u>
COUNCILMEMBER: NATE BLAKE	<u> </u>	<u>x</u>

Also in attendance were Town Attorney Gary Kuhlmann and Clerk/Recorder Bob Goldsberry.

3. Purpose of the closed meeting was to discuss impending litigation and related matters as allowed by Utah state Law 52-4-205(1)(c)

4. Adjournment:

Mayor Peterson adjourned the meeting with the intent of reconvening the Public meeting after a motion by Councilmember Cundick and 2nd by Councilmember Allen. All voted "Aye". Motion Passed.

Time: 6:51pm.

APPROVED ON THIS 23 DAY OF July, 2014



Mayor Wayne Peterson

ATTEST:



Deputy Clerk/Recorder Kristi Barker